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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 HERMAN ALFONSO MORALES,

9 *Petitioner,*

10 vs.

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12 WARDEN ROBERT LAGRAN, et al.,

13 *Respondents.*
14

3:15-cv-00376-RCJ-VPC

ORDER

15 Petitioner has submitted a *pro se* petition for writ of habeas corpus, pursuant to 28 U.S.C. §
16 2254 (ECF No. 1-1). However, petitioner has failed to submit an application to proceed *in forma*
17 *pauperis* or pay the filing fee. Accordingly, this matter has not been properly commenced. 28 U.S.C.
18 § 1915(a)(2) and Local Rule LSR1-2.

19 Thus, the present action will be dismissed without prejudice to the filing of a new petition in a
20 new action with either the \$5.00 filing fee or a completed application to proceed *in forma pauperis* on
21 the proper form with both an inmate account statement for the past six months and a properly executed
22 financial certificate.

23 It does not appear from the papers presented that a dismissal without prejudice will materially
24 affect a later analysis of any timeliness issue with regard to a promptly filed new action.¹ Petitioner at
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27 ¹ This court may take judicial notice of the state-court dockets and it appears that petitioner
28 pursued state postconviction relief until March 25, 2008 and then took no further action until
September 22, 2014. *See* Eighth Judicial District Court Case No. 03C196919; Nevada Supreme

(continued...)

1 all times remains responsible for properly exhausting his claims, for calculating the running of the
2 federal limitation period as applied to his case, and for properly commencing a timely-filed federal
3 habeas action.

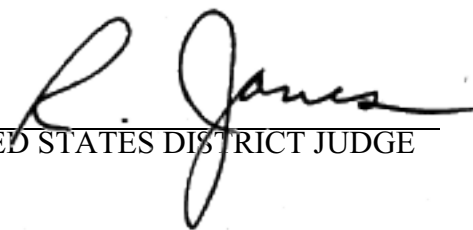
4 **IT IS THEREFORE ORDERED** that this action is **DISMISSED** without prejudice to the
5 filing of a new petition in a new action with a properly completed application form to proceed *in forma*
6 *pauperis*.

7 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**, as jurists of
8 reason would not find the court's dismissal of this improperly commenced action without prejudice to
9 be debatable or incorrect.

10 **IT IS FURTHER ORDERED** that the Clerk shall send petitioner two copies each of an
11 application form to proceed *in forma pauperis* for incarcerated persons and a noncapital Section 2254
12 habeas petition form, one copy of the instructions for each form, and a copy of the papers that he
13 submitted in this action.

14 **IT IS FURTHER ORDERED** that the Clerk shall **ENTER JUDGMENT** accordingly and
15 close this case.

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17 DATED: This 9th day of November, 2015.

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20 UNITED STATES DISTRICT JUDGE
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27 _____
28 ¹(...continued)
Court Case Nos. 67904, 67836, 66748.